

COPY

STATE OF ILLINOIS
IN PROCEEDINGS BEFORE THE
ILLINOIS COMMERCE COMMISSION

The Burlington Northern and Santa Fe Railway Company,
Petitioner,

v.

Tamalco Township, Bond County, Illinois; Pleasant Mound Township, Bond County,
Illinois; Bond County, Illinois; and State of Illinois, Department of Transportation,
Respondents.

Petition seeking a determination from the Illinois Commerce Commission whether the warning devices at the public grade crossing located at the tracks of The Burlington Northern and Santa Fe Railway Company ("BNSF") and TR 247 (Main Street) in Tamalco Township, Bond County, Illinois, Milepost 102.33, DOT No. 069316E should be upgraded to automatic flashing light signals with gates and constant warning time circuitry; whether the public grade crossing located at the intersection of the tracks of BNSF and Township Road TR 238 in Tamalco Township, Bond County, Illinois; Milepost 102.21, DOT No. 069318T should be closed; and, a connecting road constructed on the east side of the tracks and right-of-way of BNSF between Township Road TR 247 (Main Street) and TR 238, with any such cost be borne by the parties in accordance with law and that a substantial portion of the cost to be borne by the Grade Crossing Protection Fund.

T01-0028

And

Petition seeking a determination from the Illinois Commerce Commission whether the warning devices at the public grade crossing located at the tracks of BNSF and Township Road TR 199 in Tamalco Township, Bond County, Milepost 98.65, DOT No. 069156T should be upgraded to automatic flashing light signals and gates with constant warning time circuitry; the public grade crossing located at the intersection of Township Road TR 232 in Tamalco Township, Bond County, Illinois, Milepost 98.59, DOT No. 069160H should be closed; a connecting road constructed on the east side of the tracks and right-of-way of BNSF connecting Township Road TR 199, Township Road TR 326 (Second Street) and TR 232a; whether the warning devices at the grade crossing located at the intersection of TR 326 (Second Street) and the tracks of BNSF, Milepost 98.31 should be upgraded to automatic flashing light signals and gates; the public at grade crossing at the intersection of Township Road TR 232a and the tracks of BNSF, Milepost 98.23, DOT No. 069158G should be closed; and a connecting road west of BNSF's track and right-of-way extending High Street to the north to Township Road TR 232a, with any such costs to be borne by the parties in accordance with law and that a substantial portion of any such costs be borne by the Grade Crossing Protection Fund.

ILLINOIS COMMERCE
COMMISSION
SEP 19 2 20 PM '01
TRANSPORTATION DIV.

APPLICATION FOR REHEARING

Now comes Jeff Tompkins, Pleasant Mound Township Highway Commissioner, by his attorney, Dale F. Choisser, of the Law Firm of Burnside, Johnston, Choisser & Sheafor, and pursuant to the provisions of 83 Illinois Administrative Code Section 200.880, hereby makes application for rehearing and in support thereof states as follows:

NOCKETED


1. On or about August 21, 2001, the Illinois Commerce Commission adopted an Order proposed by the Honorable Rick Korte, Chief Hearing Examiner, Review & Examination Program, that, inter alia, approved the closing of TR-232A (Sixth Street) (DOT 069158G, mile post 98.23).
2. The Road Commissioner asserts that a rehearing is necessary because the Commission has erroneously found and concluded that public safety requires that the work proposed in the petition of the applicant be completed; has erroneously concluded that public convenience and necessity do not required the continued existence of the TR-232A crossing and that said crossing should be closed, abolished and barricaded to vehicular traffic; and has erroneously found and concluded that a road connecting TR-232A to TR-326, on the west side of the Railroad's mainline track a right-of-way should be constructed.
3. The Road Commissioner states that he would propose to present to the Commissioner additional evidence as follows:
 - a. That the weight of public opinion is in favor of keeping the aforescribed crossing open;
 - b. That the Commission has failed to properly consider and give proper weight to the wishes of the public;
 - c. The Order erroneously states that Hookdale is 15 miles from Greenville, when in fact is only six to eight miles.
 - d. That the crossing in question is used by a lot of farm equipment, school buses, individuals and the mail carriers;
 - e. Closing of the crossing would disrupt traffic flow.
 - f. That the diversion of traffic from Sixth Avenue through the middle of the Village of Hookdale might create congestion and safety problems through the middle of the Village of Hookdale.
4. I was just recently elected road commissioner of Pleasant Mound Township. I took office on May 7, 2001, during the pendency of this case. I did not present evidence during the course of the case because I was not then represented by counsel and I was not personally aware of proper procedures to be followed. As the case progressed I became more aware of the safety issues and felt that these issues were not being properly presented to the Commission or considered by the Commission. I further became more aware of the fact that the weight of public opinion was against the closing of the crossing.

WHEREFORE, JEFF TOMPKINS, Pleasant Mound Road Commissioner, respectfully prays his Application for Rehearing be granted and for such other and further relief as may be just and fit in the premises.

DATED this 19th day of September, 2001.

**JEFF TOMPKINS, Pleasant Mound
Road Commissioner**

By: _____



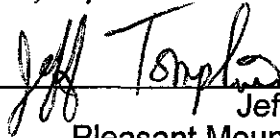
Dale F. Choisser
One of his Attorneys

CERTIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Dated this 19th day of September, 2001.

By: _____



Jeff Tompkins

Pleasant Mound Road Commissioner

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